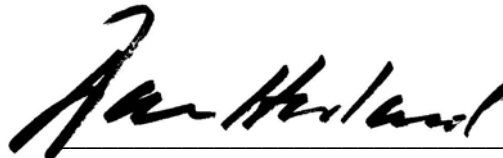


punitive or exemplary damages to be presented to the jury during the liability phase of the case. Evidence which is relevant only to the claim for punitive damages will not be admissible in the liability phase of the trial. In the event the jury assesses “fault” or liability against the defendant and awards compensatory damages, then the same jury will be allowed to determine whether punitive damages shall be awarded.

For the reasons set forth above, and pursuant to Rule 42(b) of the Federal Rules of Civil Procedure, the Court orders a separate or bifurcated trial on the claim for punitive damages which would immediately follow the trial on liability and damages if necessary.

IT IS SO ORDERED.

Dated this 19th day of January, 2006.

A handwritten signature in black ink, appearing to read "Dan Hovland", written over a horizontal line.

Daniel L. Hovland, Chief Judge
U.S. District Court